

2003 ASSEMBLY BILL 660

November 13, 2003 – Introduced by Representatives BERCEAU, TURNER, HINES, TAYLOR, BIES, GRONEMUS and J. LEHMAN. Referred to Committee on Public Health.

1 **AN ACT to amend** 254.176 (title), 254.30 (2) and 254.30 (2) (b); and **to create**
2 254.23 of the statutes; **relating to:** certification of mold inspectors and mold
3 remediators, requiring the exercise of rule-making authority, and providing
4 penalties.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Health and Family Services (DHFS), by rule, to establish certification requirements for the performance of mold inspection or mold remediation in residential or commercial buildings and to define “mold” for these purposes. DHFS must develop the rules after consulting with the Department of Commerce, and must include in the rules certification fee amounts that cover the certifying costs. Beginning January 1, 2005, DHFS must certify individuals as mold inspectors or mold remediators if they meet the applicable requirements. The bill prohibits an individual from using the title “state-certified mold inspector” or “state-certified mold remediator,” or a similar designation that indicates state certification unless DHFS has certified the individual. The bill specifies a civil penalty (a forfeiture of not less than \$100 nor more than \$1,000) and a criminal penalty (a fine of not less than \$100 nor more than \$5,000 and probation for up to two years) for violations of the mold certification requirements.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 254.176 (title) of the statutes is amended to read:

254.176 (title) Certification requirements for lead-related activities.

SECTION 2. 254.23 of the statutes is created to read:

254.23 Certification requirements for mold-related activities. (1) After consulting with the department of commerce, the department shall promulgate all of the following as rules:

(a) Certification requirements, including certification fees in amounts that cover the department's costs for certifying, for performance of mold inspection or mold remediation in residential or commercial buildings.

(b) A definition of "mold" for the purposes of this section.

(2) The department shall certify an individual as a mold inspector or mold remediator if the individual satisfies the requirements in the applicable rule under sub. (1).

(3) (a) No individual may use the title "state-certified mold inspector" or any other title designation that indicates that the individual is certified by the state to perform mold inspections in residential or commercial buildings unless the individual is certified as a mold inspector under sub. (2).

(b) No individual may use the title "state-certified mold remediator" or any other title or designation that indicates that the individual is certified by the state to perform mold remediation in residential or commercial buildings unless the individual is certified as a mold remediator under sub. (2).

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SECTION 3. 254.30 (2) (a) of the statutes is amended to read:

254.30 (2) PENALTIES. (a) *Civil penalty.* Any person who violates ss. 254.11 to 254.178 or 254.23 or rules promulgated, or orders issued, under those sections may be required to forfeit not less than \$100 nor more than \$1,000. Each day of continued violation constitutes a separate offense.

SECTION 4. 254.30 (2) (b) of the statutes is amended to read:

254.30 (2) (b) *Criminal penalty.* Any person who knowingly violates any provision of ss. 254.11 to 254.178 or 254.23 or any rule promulgated, or order issued, under those sections shall be fined not less than \$100 nor more than \$5,000. The court may place the person on probation under s. 973.09 for a period not to exceed 2 years.

SECTION 5. Nonstatutory provisions.

(1) SUBMISSION OF RULES. The department of health and family services shall submit in proposed form the rules required under section 254.23 (1) and (2) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 7th month beginning after the effective date of this subsection.

SECTION 6. Effective dates. This act takes effect on January 1, 2005, except as follows:

(1) **MOLD INSPECTION CERTIFICATION RULES.** The treatment of SECTION 5 of the act takes effect on the day after publication.

(END)